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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SHEPARD, JUSTIN E	

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/081,084	LAKSONO ET AL.	
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31,32 and 58-63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31,32 and 58-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/19/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Pre-Brief Conference Request, filed 1/28/08, with respect to the rejection(s) of claim(s) 31 and 58 under USC 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cheriton in view of Chou in view of Schober and Deshpande in view of Chou.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheriton in view of Chou in view of Schober.

Referring to claim 31, Cheriton discloses a method comprising:

subscribing at the display device to a first channel of a plurality of channels of a multicast channel (column 7, lines 5-8; figure 5, part 550; column 2, lines 59-65), wherein each channel of the plurality of channels is used to provide a different version of a plurality of versions of a video stream, and where each version of the video stream includes a different resolution scale (column 6, lines 63-67; column 7, lines 1-5); and

accessing the first channel to receive a version of the video stream associated with the first channel (column 7, lines 5-8).

Cheriton does not disclose a method including the steps of determining at a display device a first data transmission rate between the display device and a wireless access point; wherein subscribing at the display device to a first channel of a plurality of channels of a multicast channel is based on the first data transmission rate; and

wherein the access point is a wireless access point.

In an analogous art, Chou teaches a method including the steps of determining at a display device a first data transmission rate between the display device and an access point; wherein subscribing at the display device to a first channel of a plurality of channels of a multicast channel is based on the first data transmission rate (column 8, line 66 to column 9, line 10).

At the time of the invention it would have been obvious for one or ordinary skill in the art to add the data transmission rate determining taught by Chou to the method disclosed by Cheriton. The motivation would have been to enable the receiver to only be able to subscribe to channels that matched the receiver's available bandwidth, therefore allowing the system to preserve bandwidth.

Cheriton and Chou do not disclose a method wherein the access point is a wireless access point.

In an analogous art, Schober teaches a method wherein the access point is a wireless access point (page 7, paragraph 73, lines 8-14).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the wireless access point, as taught by Schober, in the method disclosed by Cheriton and Chou. The motivation would have been to enable the user to enjoy video playback while not being constrained to one physical location.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheriton in view of Chou in view of Schober as applied to claim 31 above, and further in view of Sachs.

Referring to claim 32, Cheriton, Chou, and Schober do not disclose a method of claim 31, wherein the multicast channel is based on a IEEE 802.11 standard.

Sachs discloses a method of claim 31, wherein the multicast channel is based on a IEEE 802.11 standard (paragraph 19, lines 2-9).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the wireless transmission taught by Sachs to the method disclosed by Cheriton, Chou, and Schober. The motivation would have been to enable the user to enjoy video playback while not being constrained to one physical location.

Claims 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande in view of Chou.

Referring to claim 58, Deshpande discloses a method comprising:

determining, at a networked display device, a first data transmission rate of a transmission connection of the networked display device at a first time (column 4, lines 32-36 and 40-44);

receiving, at the networked display device, a first multicast address from a plurality of multicast addresses based on the first data transmission rate (column 5, lines 3-8), each of the plurality of multicast addresses associated with a corresponding version of a plurality of versions of a video stream (column 1, lines 22-26 and 57-67); and

receiving, at the networked display device, a first version of the plurality of versions of the video stream via the transmission connection using the first multicast address for a first duration (column 2, lines 11-19; figure 3).

Deshpande does not disclose a method wherein the networked display device determines an address based upon available bandwidth.

In an analogous art, Chou teaches a method wherein the networked display device determines an address based upon available bandwidth (column 8, line 66 to column 9, line 10).

At the time of the invention it would have been obvious for one or ordinary skill in the art to add the data transmission rate determining taught by Chou to the method disclosed by Cheriton. The motivation would have been to enable the receiver to only be able to subscribe to channels that matched the receiver's available bandwidth, therefore allowing the system to preserve bandwidth.

Referring to claim 59, Deshpande does not disclose a method of claim 58, wherein receiving the first version of the plurality of versions of the video stream comprises: processing, at the networked display device, a plurality of transmitted data packets associated with the first multicast address and having data representative of the first version of the plurality of versions of the video stream.
In an analogous art, Chou teaches a method of claim 58, wherein receiving the first version of the plurality of versions of the video stream comprises: processing, at the networked display device, a plurality of transmitted data packets associated with the first multicast address and having data representative of the first version of the plurality of versions of the video stream (figure 2, part 230; figure 7)

At the time of the invention it would have been obvious for one of ordinary skill in the art to add video processing taught by Chou to the device disclosed by Deshpande. The motivation would have been that presenting the video to a user would require processing the video stream.

Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande in view of Chou as applied to claim 58 above, and further in view of Schober.

Referring to claim 60, Deshpande and Chou do not disclose a method of claim 58, wherein the transmission connection comprises a wireless connection between the networked display device and an access point.

In an analogous art, Schober teaches a method of claim 58, wherein the transmission connection comprises a wireless connection between the networked display device and an access point (page 7, paragraph 73, lines 8-14).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the wireless transmission taught by Schober in the method disclosed by Deshpande and Chou. The motivation would have been to enable the display device to be able to be used in places without a physical connection.

Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande in view of Chou as applied to claim 58 above, and further in view of Hinderks.

Referring to claim 61, Deshpande and Chou do not disclose a method of claim 58, wherein determining the first multicast address comprises performing a table lookup based on the first data transmission rate.

In an analogous art, Hinderks teaches a method of claim 58, wherein determining the first multicast address comprises performing a table lookup based on the first data transmission rate (page 5, paragraph 54, lines 1-6 and 16-22).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the lookup table taught by Hinderks in the method disclosed by Deshpande and Chou. The motivation would have been to enable the system to use a one-way network (page 5, paragraph 54, lines 16-22).

Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande in view of Chou as applied to claim 58 above, and further in view of Aho.

Referring to claim 62, Deshpande and Chou do not disclose a method of claim 58, further comprising:

determining, at the networked display device, a second data transmission rate of a transmission connection of the networked display device at a second time subsequent to the first time;

determining a second multicast address from the plurality of multicast addresses based on the second data transmission rate; and

receiving, at the networked display device, a second variation of the plurality of versions of the video stream via the transmission connection using the second multicast address for a second duration subsequent to the first duration.

In an analogous art, Aho teaches a method of claim 58, further comprising:

determining, at the networked display device, a second data transmission rate of a transmission connection of the networked display device at a second time subsequent to the first time;

determining a second multicast address from the plurality of multicast addresses based on the second data transmission rate; and

receiving, at the networked display device, a second variation of the plurality of versions of the video stream via the transmission connection using the second multicast address for a second duration subsequent to the first duration (column 2, lines 66-67; column 3, lines 1-13).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the adaptive transmission rate method taught by Aho in the method disclosed by Deshpande and Chou. The motivation would have been to provide a system wherein the user can move away from the signal source without losing the feed (Aho: column 3, lines 7-13).

Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande in view of Chou in view of Aho as applied to claim 62 above, and further in view of Hinderks.

Referring to claim 63, the claim is rejected on the same grounds as claim 61.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2623

JS